

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

ONYX Environmental Services, L.L.C.  
1704 West First Street  
Azusa, California 91702

ID No. CAD008302903

Respondent.

Docket HWCA 2006-1203

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and ONYX Environmental Services (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 1704 West First Street, Azusa, California 91702 (Site).

1.3. Inspection. The Department inspected the Site on February 7, 8, 9, 10, and 14, 2006.

1.4. Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the site. Respondent has operated under expired Hazardous Waste Facility Permit since August, 1988.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of

the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code section 25202 (a), in that on or about February 7, 2006, the Respondent stored hazardous wastes for longer than 10 days in an unauthorized area after hazardous wastes were loaded onto the vehicles. In addition, hazardous wastes had been stored in the tank farm, along the driveway and outside the drum storage containment. These areas are not authorized for container storage.

2.1.2. Respondent violated title 22, California Code of Regulations, section 66264.73 (b) (2), in that on or about February 9, 2006, Respondent failed to record the location of each hazardous waste within the facility, which were received from off-site and the quantity at each location.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Effective immediately, Respondent shall move hazardous wastes directly

from the transportation vehicle to an authorized unit during loading and unloading activities. In addition Respondent shall store hazardous wastes received from off-site in an authorized storage unit.

3.1.2. Effective immediately, Respondent shall record the location and quantity of each hazardous waste received at the facility and the date of its transfer, treatment, storage, or disposal at the facility

3.1.3. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

#### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the

parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total penalty of \$14,792.

5.2. Payment of the total penalty specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal  
Supervising Hazardous Substances Scientist  
Statewide Compliance Division  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

and

James J. Grace, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: December 7, 2006

Original signed by Javed Hussain  
Javed Hussain, Regional Environmental Health  
& Safety Manager  
ONYX Environmental Services, L.L.C.  
Respondent

Dated: December 11, 2006

Original signed by Mukul Agarwal  
Mukul Agarwal, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control